

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**MEMORANDUM**

Case No. CV 11-1713 DSF (FFMx)

Date 9/1/11

Title Jacob Messian, et al. v. County of Los Angeles, et al.

Present: The  
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (In Chambers) Order Striking Notice of Unavailability and Order to Show Cause re Sanctions

The Court has received the “Notice of Unavailability” filed by the Attorney General of California, counsel for certain Defendants. The Notice is absurd and is stricken. It cannot be that the Office of the Attorney General and all of its attorneys are “unavailable” from September 15 through October 11. Indeed, it cannot be that there is any time period during which that Office is “unavailable.”

To the extent the Notice is meant to communicate with opposing counsel, it should not have been filed with the Court. As stated in this Court’s Standing Order filed March 1, 2011 (at ¶ 20), the Court expects that all counsel will conduct themselves appropriately and will not deliberately schedule Court or other proceedings when opposing counsel is not available. To the extent it was meant to communicate with the Court, it is inappropriate. Counsel lacks the authority to usurp the Court’s control of its own docket. The Court’s Standing Order states: “Such documents shall not be filed.”

The Notice has no force or effect in this action. It is completely unacceptable for the entire Office of the Attorney General peremptorily to declare itself “unavailable” to counsel for a month - or for any period of time.

No further such notices should be filed with the Court. Counsel is ordered to show cause in writing no later than September 12 why he should not be sanctioned in the

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amount of \$100 for violating Paragraph 20 of the Standing Order. He is also to file a declaration by that date stating that he has advised the Supervising Deputy Attorney General and the Attorney General that such notices should not be filed in this Court.

IT IS SO ORDERED.